

**ENTERED**

April 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re

Alexander E. Jones,

Debtor.

Bankruptcy

Case No. 22-33553 (CML)

Chapter 11

Neil Heslin, Scarlett Lewis, Leonard Pozner,  
Veronique De La Rosa, and Estate Of Marcel  
Fontaine,

Plaintiffs,

v.

Alexander E. Jones and Free Speech Systems,  
LLC,

Defendants.

Adv. Pro. No. 23-03035 (CML)

David Wheeler, Francine Wheeler, Jacqueline  
Barden, Mark Barden, Nicole Hockley, Ian  
Hockley, Jennifer Hensel, Donna Soto, Carlee  
Soto-Parisi, Carlos M. Soto, Jillian Soto Marino,  
William Aldenberg, William Sherlach, Robert  
Parker, and Richard M. Coan, as chapter 7 trustee  
for the estate of Erica Lafferty,

Plaintiffs,

v.

Alexander E. Jones and Free Speech Systems,  
LLC,

Defendants.

Adv. Pro. No. 23-03037 (CML)

**STIPULATION AND AGREED ORDER REGARDING THE DISMISSAL OF FSS  
FROM THE JONES ADVERSARY PROCEEDINGS AND  
SCHEDULE FOR THE ANSWER AND SUMMARY JUDGMENT BRIEFING**

This Stipulation Regarding the Dismissal of FSS From the Jones Adversary Proceedings and Schedule for the Answer and Summary Judgment Briefing is entered into by and among: (a) Alexander E. Jones ("Jones"); (b) Free Speech Systems, LLC ("FSS"); (c) Neil Heslin, Scarlett Lewis, Leonard Pozner, Veronique De La Rosa and the estate of Marcel Fontaine (the "Texas

Plaintiffs”); and (d) David Wheeler, Francine Wheeler, Jacqueline Barden, Mark Barden, Nicole Hockley, Ian Hockley, Jennifer Hensel, Donna Soto, Carlee Soto-Parisi, Carlos M. Soto, Jillian Soto Marino, William Aldenberg, William Sherlach, Robert Parker, and Richard M. Coan, as chapter 7 trustee for the estate of Erica Lafferty (the “Connecticut Plaintiffs”);

WHEREAS, on July 29, 2022, FSS filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of Texas (the “Court”) (Bankruptcy Case No. 22-60043 (CML));

WHEREAS, on December 2, 2022, Jones filed a voluntary petition for relief under the Bankruptcy Code with the Court (Bankruptcy Case No. 22-33553 (CML));

WHEREAS, on March 10, 2023, the Texas and Connecticut Plaintiffs filed Adv. Pro. Nos. 23-03035 and 23-03037 against Jones and FSS within Case No. 22-60043 (the “Jones Adversary Proceedings”);

WHEREAS, on March 24, 2023, the Connecticut Plaintiffs filed their *Emergency Motion of the Connecticut Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 16 in Adv. Pro. Case Nos. 23-03036 (CML) and 23-3037 (CML)] and the Texas Plaintiffs filed their *Emergency Motion of the Texas Plaintiffs for Entry of an Order (A) Scheduling Certain Dates and Deadlines, (B) Establishing Certain Protocols in Connection with Such Hearings, and (C) Granting Related Relief* [Docket No. 7 in Adv. Pro. Case Nos. 23-03034 (CML) and 23-03035 (CML)];

WHEREAS a hearing on these motions was held on Tuesday, April 4, 2023 at 11:00 a.m. (CST) before the Honorable Christopher M. Lopez, United States Bankruptcy Judge, 515 Rusk, 4th Floor, Courtroom 404, Houston, Texas 77002;

WHEREAS at the hearing, the parties informed the Court that they had met and conferred in good faith and, in interests of efficiency and to conserve judicial and estate resources, had reached an agreed-upon schedule governing the answer by Jones and the forthcoming motions for summary judgment by the Connecticut and Texas Plaintiffs in the above-captioned actions;

**NOW, THEREFORE IT IS HEREBY STIPULATED, AGREED, AND, UPON COURT APPROVAL HEREOF, IT IS ORDERED THAT:**

1. FSS is hereby dismissed without prejudice as a defendant from the Jones Adversary Proceedings;

2. Jones shall answer the adversary complaints in the Jones Adversary Proceedings by April 28, 2023;

3. The Connecticut and Texas Plaintiffs shall file their motions for summary judgment in the Jones Adversary Proceedings by May 12, 2023;

4. Jones shall respond to the motions for summary judgment brought by the Connecticut and Texas Plaintiffs in the Jones Adversary Proceedings by June 12, 2023;

5. The Connecticut and Texas Plaintiffs shall file their summary judgment replies in the Jones Adversary Proceedings by July 7, 2023;


6. The Court shall hold a hearing on the motions for summary judgment brought by the Connecticut and Texas Plaintiffs in the Jones Adversary Proceedings on August 15, 2023 at 10:00 AM, and the parties shall exchange exhibit lists for this hearing by August 8, 2023.

7. For the avoidance of doubt, the Texas and Connecticut Plaintiffs agree their motions for summary judgment will be focused on the effect of the state court records—that Jones is precluded from litigating the state court findings and that the state court records (which form the basis for those findings) entitle the Texas and Connecticut Plaintiffs to summary judgment on their

claims.<sup>1</sup> Should the Court deny the Texas and Connecticut Plaintiffs' summary judgment motions, the parties are aware that the Court will enter a new scheduling order with a new dispositive motion deadline, and the parties expressly reserve their rights to file future motions for summary judgment.

**THE FOREGOING STIPULATION IS SO ORDERED:**

Signed: April 13, 2023

  
Christopher Lopez  
United States Bankruptcy Judge

**AGREED IN FORM AND SUBSTANCE:**

Dated: April 12, 2023

**CAIN & SKARNULIS PLLC**

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Avi Moshenberg  
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<sup>1</sup> Defined terms used, but not defined herein, have the meanings ascribed to them in the Texas and Connecticut Plaintiffs' emergency motions discussed above.

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trustee for the estate of Erica Lafferty*

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By: /s/ Raymond W. Battaglia

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*Counsel to Debtor Free Speech Systems, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing stipulation has been served on counsel for FSS and Jones and all parties receiving or entitled to notice through CM/ECF on this 12th day of April, 2023.

/s/ Jennifer J. Hardy

Jennifer J. Hardy

United States Bankruptcy Court  
Southern District of Texas

Heslin,  
Plaintiff  
Jones,  
Defendant

Adv. Proc. No. 23-03035-cml

## CERTIFICATE OF NOTICE

District/off: 0541-4  
Date Rcvd: Apr 13, 2023

User: ADIuser  
Form ID: pdf002

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Total Noticed: 7

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2023:**

Recip ID	Recipient Name and Address
dft	Alexander E. Jones, c/o 2525 McKinnon Street, Suite 425, Dallas, TX 75201
pla	+ Estate of Marcel Fontaine, c/o McDowell Hetherington LLP, 1001 Fannin Street, Suite 2700, Houston, TX 77002-6774
dft	+ Free Speech Systems, LLC, c/o Law Offices of Ray Battaglia, PLLC, 66 Granburg Circle, San Antonio, TX 78218-3010
pla	+ Leonard Pozner, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
pla	+ Neil Heslin, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
pla	+ Scarlett Lewis, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
pla	+ Veronique De La Rosa, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774

TOTAL: 7

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 15, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2023 at the address(es) listed below:**

Name	Email Address
Avi Moshenberg	on behalf of Plaintiff Leonard Pozner avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Veronique De La Rosa avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Scarlett Lewis avi.moshenberg@mhllp.com patricia.flores@mhllp.com

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Avi Moshenberg	on behalf of Plaintiff Estate of Marcel Fontaine avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Plaintiff Neil Heslin avi.moshenberg@mhllp.com patricia.flores@mhllp.com
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Jennifer Jaye Hardy	on behalf of Plaintiff Estate of Marcel Fontaine jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Plaintiff Veronique De La Rosa jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Plaintiff Leonard Pozner jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Plaintiff Neil Heslin jhardy2@willkie.com mao@willkie.com
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TOTAL: 16